

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NSIGHT, INC.,  
Plaintiff,  
v.  
PEOPLESOFT, INC.,  
Defendant

No. C 04-3836 MMC (MEJ)

**ORDER AFFORDING DEFENDANT  
OPPORTUNITY TO SUPPLEMENT  
MOTION FOR SANCTIONS AND  
PLAINTIFF OPPORTUNITY TO SUBMIT  
FURTHER REPLY**

By order filed February 7, 2007, the Court continued The hearing on defendant Oracle USA, Inc.'s motion for sanctions from February 9, 2007 to March 16, 2007. In its motion, defendant seeks sanctions on the ground, inter alia, that plaintiff assertedly pursued six claims "after discovery made clear that the claims were without evidentiary support." (See Def.'s Mot., filed December 12, 2006, at 1; see also id. at 1:25 - 4:15 (identifying six claims at issue).) Defendant has submitted a figure representing the total amount of fees and costs defendant contends it incurred in defending against the six subject claims. (See id. at 4:16-21.)

In order to assist the Court, in the event the Court determines sanctions are appropriate for work performed in connection with one or more but less than all of the six subject claims, the Court will afford defendant the opportunity to supplement its motion for the purpose of allocating to each of said claims the portion of the total sum that is


1 attributable to the work performed and costs incurred in connection therewith, and, if  
2 defendant submits such supplemental showing, will afford plaintiff the opportunity to submit  
3 a supplemental response, as follows:

4 1. No later than February 23, 2007, defendant may file a supplemental declaration  
5 setting forth, if possible, an allocation of the work performed and costs incurred in  
6 connection with each of the six claims identified in defendant's motion as having been  
7 pursued without any reasonable basis.

8 2. No later than March 2, 2007, plaintiff may file a supplemental reply to any such  
9 supplemental filing.

10 **IT IS SO ORDERED.**

11  
12 Dated: February 9, 2007

  
\_\_\_\_\_  
MAXINE M. CHESNEY  
United States District Judge